

Automated License Plate Reader (ALPR) Technology

437.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) camera technology.

437.2 POLICY

The policy of the Humboldt County Sheriff's Office is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR camera technology are for the official use of this office. Because such data may contain confidential information, it is not open to public review.

437.3 FLOCK SAFETY TECHNOLOGIES

The HCSO exclusively contracts with Flock Safety for ALPR equipment, processing, maintenance, storage, and purging. Flock Safety is a company that provides security and surveillance technology, primarily focused on license plate recognition (LPR) cameras, live video cameras, drones, gunshot detection and data analytics. Their systems are used by neighborhoods, businesses, and law enforcement agencies to help deter crime and aid in the investigation process. Flock Safety technology reduces crime, recovers stolen vehicles, and improves community safety while maintaining a core focus on responsible data usage. Flock Safety technology is used to capture objective evidence without compromising on individual privacies.

437.4 ADMINISTRATION

ALPR allows for the automated detection of license plates. It is used by the Humboldt County Sheriff's Office to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, wanted persons, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Administrative Services Bureau Manager or their designee. The Administrative Services Bureau Manager will work with key department members to administer the day-to-day operation of the ALPR equipment and data.

The Humboldt County Sheriff's Office is compliant with SB 34 which states:

A public agency "shall not sell, share, or transfer ALPR information, except to another public agency, and only as otherwise permitted by law" "The provision of data hosting or towing services shall not be considered the sale, sharing, or transferring of ALPR information." (Civ. Code 1798.90.55,subd.(b)).

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A public agency that operates or intends to operate an ALPR system must provide the opportunity for public comment at a regularly scheduled meeting of the agency before implementing the ALPR program (Civ. Code, 1798.90.55, subd. (b))

ALPR operators and end-users must develop a usage and privacy policy, which must be conspicuously posted on their website, and must contain provisions designed to "protect ALPR information from unauthorized access, destruction, use, modification, or disclosure." (Civ. Code, 1798.90.53, subds. (a)-(b); 1798.90.51, subd. (a)-(b);)

"Public Agency" is limited to state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (See Civ. Code 1798.90.5, subd. (f).) Accordingly, SB 34 does not permit California LEAs to share ALPR information with private entities or out-of-state or federal agencies. This prohibition applies to ALPR database(s) that LEAs access through private or public vendors who maintain ALPR information collected from multiple databases and/or public agencies.

437.4.1 ALPR ADMINISTRATOR

The Administrative Services Bureau Manager shall be responsible for developing and maintaining the below guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) Access to the Flock Safety ALPR system will be for any HCSO employees who have reason to access the ALPR system as part of their job duties. This includes, but is not limited to, all ranks of Deputy Sheriff, Dispatchers, Evidence Technicians, and Crime Analysts.
- (b) All approved users shall complete the Search and Lookup Certifications provided by Flock Technologies. Additionally, anyone with Admin rights to the system shall complete the Admin Certification, and dispatchers shall complete the Dispatcher Certification.
- (c) The Flock Safety ALPR system is crafted and maintained to be within compliance with all applicable laws. Flock Safety maintains all data storage.
- (d) All use of the Flock Safety system is tracked and maintained within the system by Flock Safety. The ALPR Administrator will conduct a monthly audit to verify compliance with Civil Code § 1798.90.52.
- (e) All data is stored by Flock Safety in their secure cloud until 30 days, at which time it is purged. None of this data is stored by the HCSO, unless it has been deemed evidence. In those instances, the data would be downloaded and then stored in the HCSO secure evidence area.
- (f) Verifying the most recent version of this policy is posted to our website.

437.5 OPERATIONS

Use of ALPR camera technology and data is restricted to the purposes outlined below. Office members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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- (a) ALPR camera technologies shall only be used for official law enforcement business.
- (b) ALPR camera technologies may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR for capturing alerts to plates of vehicle descriptions. However, there must be a sufficient investigative reason to conduct searches using the Flock Safety ALPR database, and that reason shall be documented in the system with each individual search. A case number or call for service (CFS) number is required to justify any search, and shall be entered into the database.
- (c) While ALPR camera technologies may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.
- (d) No member of this office shall operate ALPR equipment or access ALPR data without first completing HCSO approved training.
- (e) No ALPR operator may access HCSO, state or federal data unless otherwise authorized to do so.
- (f) deputy shall verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert. Additionally, when responding to alerts, Deputies shall take all reasonable precautions to confirm the information in the alert is valid before taking action.

437.6 DATA COLLECTION AND RETENTION

All data collected by the Flock Safety ALPR cameras is stored and maintained by Flocks Safety in their secure cloud. The HCSO does not store any data unless it is downloaded as evidence. office

All ALPR data collected and stored by Flock Safety will be stored for a maximum of 30 days before being purged..

437.7 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Humboldt County Sheriff's Office will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

- (a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).
- (b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or office-related civil or administrative action.
- (c) ALPR system audits should be conducted on a monthly basis.
- (d) Any improper or unauthorized use of the system will be dealt with administratively, and criminally if applicable.

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437.8 RELEASING ALPR DATA

The ALPR data will only be shared to another state or local law enforcement agency, and only as otherwise permitted by law and using the following procedures:

- (a) The agency makes a digital request through the Flock Safety database for the ALPR data that includes:
 1. The name of the agency.
 2. The name of the person requesting.
 3. The intended purpose of obtaining the information.
- (b) The request is reviewed by the Admins Services Bureau Manager or the authorized designee and approved before the request is fulfilled.
- (c) The approved request is retained on in the Flock Safety database.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed pursuant to Civil Code § 1798.90.55.

437.8 TRAINING

The Administrative Services Bureau Manager or their designee shall ensure that members receive office-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

This training will consist of the Search Certification and Lookup Certification provided by Flock Safety.

Additionally, Admin will be required to complete the Admin Certification, and Dispatchers will be required to complete the Dispatch Certification.